

Exhibit B

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STACIE RAY, et al.

Plaintiffs,

v.

**STEPHANIE MCCLOUD, Director, Ohio
Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge Michael. H. Watson

Magistrate Judge Chelsey Vascura

DECLARATION OF FRED A. J. LEVENSON

Pursuant to 28 U.S.C. 1746

I, Freda J. Levenson, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am above the age of 18, I am competent to testify, and I have personal knowledge of the matters contained in this declaration.
2. I am the Legal Director at the ACLU of Ohio Foundation (ACLU of Ohio), and I represent Plaintiffs in this litigation.
3. The ACLU of Ohio is a statewide non-profit organization that relies upon the contributions of its members and supporters, and in part upon attorney fees incurred in litigation, to fund its operations.
4. I am licensed to practice law in Ohio and Illinois. I have been licensed in Ohio since 1990, and in Illinois since 1976.
5. I am also admitted in the United States District Court for the Northern and Southern Districts of Ohio, the Sixth Circuit Court of Appeals, and the United States Supreme Court.

6. I have significant experience working on complex constitutional and other federal civil rights litigation similar to the work I performed in this lawsuit.
7. My resume detailing my professional qualifications is attached to this Declaration as Exhibit B-1.
8. My hours expended working on this case are attached to this Declaration as Exhibit B-2.
9. I kept contemporaneous time records and documented my time in six-minute increments. The time expended and costs incurred have been reasonable, and the records submitted are an accurate reflection of the time I expended in this case.
10. I exercised billing judgment to exclude time that was not reasonably related to the successful prosecution of the case and to exclude time for small tasks that did not total at least six minutes. Time expended in writing and reading a number of email communications, both written and received by me, and short conversations with co-counsel and others, are not included in my records.
11. I also exercised judgment in performing work on this case. As the Legal Director, the time I incurred was largely in supervising, advising, and editing the work of more junior attorneys who expended more time on the litigation.
12. The reasonable hourly rate for my work is \$500.
13. I am using a fair market rate for my time, as an attorney in the Cleveland area with several decades' experience who practices in this area. I believe this rate is comparable to similar attorneys in my region. These conclusions are based in part on the guidance published by the Ohio State Bar Association, attached to the Fee Petition in this case as Exhibit A.
14. The lodestar figure for my work on this case, determined by multiplying my reasonable hours expended by my reasonable rate, is $52.5 \times 500 = \$26,250$.

Dated: February 1, 2021

/s/ Freda J. Levenson
Freda J. Levenson